

The senior assistant bill clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. TORRICELLI. Mr. President, I ask unanimous consent that there be a period for morning business and that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

AFTER SEPTEMBER 11, 2001

Mr. TORRICELLI. I thank the Chair.

Mr. President, I want to engage my colleagues and the American people in a discussion of the events of September 11, 2001. All of us recognize that much of our lives have been touched and some things have been changed forever. If it is axiomatic to say that about our country and the communities I represent and where I live in northern New Jersey, it may be as true as anywhere in the Nation.

There is not a small town or a city in northern New Jersey that has not been touched or changed. At the time the final body has been found and the search has concluded, 2,000 to 3,000 people in New Jersey may have lost their lives. It is estimated there are 1,500 orphans in my State. It struck everywhere.

In Middletown, NJ, 36 people have been lost. It is estimated it could go as high as 70. In Basking Ridge, where JON CORZINE and I visited a few days ago, 14 people were lost, two more than in all of World War II. In a single elementary school in Ridgewood, NJ, 6 children lost their fathers.

The loss of lives in Korea or Vietnam or World War II took years to accumulate. In my State of New Jersey, lives were lost in minutes.

We say the Nation will never be the same. We say that life has changed. Those are words. We do not know what they mean. All we can attest is that it is large, it is dramatic, and things will be different. Now we fill in the blanks. How will it be different and why?

The pain is so great and the loss is so enormous that our instinct is to strike immediately, overwhelmingly with the power in our possession, and, indeed, we will strike, but it must be thoughtful and it must be careful because it must be successful.

Our instinct is, because we understand there is no liberty without security, that we must immediately enhance law enforcement with money, with people, and with new powers. Indeed, many of these new powers are justified and must be required. Everything from increasing electronic surveillance to expanding wiretap authority to giving the CIA greater access to grand jury materials is being proposed.

Some of it is long overdue, and already I think the Congress can justify acting.

There is no reason to have a 5-year statute of limitations on terrorist activities. The Nation has no statute of limitations for treason or for murder. Terrorism is every much as insidious and the statute of limitations should be lifted.

The Government clearly needs to have greater powers for dealing with money laundering. We recognize this from our fight against the narcotics trade, and it is true with terrorism. The laws are antiquated and must be changed.

The electronics telecommunications revolution has probably necessitated change in electronic monitoring as well.

These things we can justify, but it is here where I urge caution because we are in pain, because we are vulnerable, and because we recognize that our security is in such danger there is a rush to judgment on issues of civil liberties. It is here where I draw the line.

Everything can be discussed, and the Congress should be willing to listen to many, but it is the responsibility of this Congress, under the architecture designed by the Founding Fathers, and primarily the duty of this Senate where passions cool, better judgment reigns, civil liberties which are compromised. A Constitution which is changed to deal with the necessities of an emergency is not so easily restored when the peace is guaranteed and a victory won.

If this Congress surrenders civil liberties and rearranges constitutional rights to deal with these terrorists, then their greatest victory will not have been won in New York but in Washington.

Any administration can defeat terrorism by surrendering civil liberties and changing the Constitution. Our goal is to defeat terrorism, remain who we are, and retain the best about ourselves while defeating terrorism. It is more difficult, but it is what history requires us to do.

The history of our Nation is replete with contrary examples, and we need to learn by them. They are instructive. For even the greats of American political life have given in to the temptation of our worst instincts to defeat our worst enemies and lose the best about ourselves. Indeed, the very architect of our independence, John Adams, under the threat of British and French subversion, supported the Alien and Sedition Acts, compromising the very freedom of expression he had helped to bring to the American people only a decade before. He lived with the blemish of those acts on his public life until the day he died.

Abraham Lincoln, the Great Emancipator, the savior of our Union suspended the Constitution, its right of habeas corpus, imprisoning political opponents to save the Union.

Franklin Delano Roosevelt, who had the honor of saving the Nation not

once but through the Great Depression and the Second World War, imprisoned Japanese Americans and some German and Italian Americans in a hasty effort at national security which has lived as a national shame.

If these great men, pillars of our democracy, compromised better judgment in time of national crisis, it should temper our instincts. Their actions should speak volumes about the need for caution at a time of national challenge.

There is another side. There are better instincts among us. The American people are speaking of them all across the Nation. They recognize the need to balance security and civil liberties, to change that which is required to assure victory, but recognizing that victory is measured not only by security but also by our liberties.

Across the Nation, the American people have provided us many measures of their strength as they exercise those liberties, engaging in open debate about how the Nation responds, giving unprecedented levels of donations—\$200 million to the Red Cross alone.

They reached out across races and religions to express concern about each other and for the safety of Arab Americans and Muslim Americans.

They are reminders of how much the Nation has grown from previous successes.

I rise in recognition of these national strengths and these concerns and commend in particular Senator LEAHY who has extended, on behalf of the Senate, our desire to work with the administration to enhance the powers of law enforcement and to provide the necessary resources. But I think he speaks for many Members of the Senate—he certainly speaks for me—when he also asks that we act deliberately and prudently.

I ask we expand that debate because history will require, and I believe the American people will demand, that we not merely review what new powers must be given to law enforcement and the intelligence community, we must not simply debate what new resources financially are required, but there is some need for some accounting of those previous powers and resources.

At a time when we are still seeking survivors and counting the dead, no one wants to cast blame. I do not rise to cast blame, but I do ask for accountability.

I may represent 3,000 families who lost fathers and mothers and sisters and brothers and children. They demand military protection by bringing our forces abroad. They ask that we strengthen law enforcement at home. But somebody is going to have to visit these cities and small towns and answer to these families, where are the resources we gave in the past? What of the enormous intelligence and security and law enforcement apparatus we have built through these decades? What happened?

This is not to assess blame. It is so we can only learn how to correct these